

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA,

v.

ELIAS NICK COSTIANES, JR.,
Defendant.

No. 1:21-cr-00458-JKB

**UNITED STATES OF AMERICA’S CONSENT MOTION
TO EXTEND TIME TO RESPOND TO BRIEFING ORDER**

The United States hereby moves the Court to extend by three days our time to respond to its Order, dated April 10, 2025, to brief “the impact of [President Trump’s] January 20, 2025 Pardon on [Defendant Elias] Costianes’ conviction.” ECF No. 171 at 11. Our briefing is currently due today. *Id.* We seek to extend this initial deadline by only three days, resulting in a new filing deadline of Thursday, April 24. *See* Fed. R. Crim. P. 45(b)(1) (stating that the court may “extend the time” to perform any act for “good cause”). Mr. Costianes has been informed of this motion through counsel, and he consents to it. *See* D. Md. L.R. 105.9.

The United States has good cause for this first, short extension of time. Parties normally have fourteen days to respond to a filing, *see* D. Md. L.R. 105.2.a, which is what this extension would provide. Next, since this Court issued its Order eleven days ago, the undersigned has taken more than four days of sick leave, during which he worked when he was able to do so. Indeed, the undersigned devoted a substantial

part of last week (while on sick leave) to reviewing and substantively editing multiple drafts of the United States’s response brief in No. 24-6996, *United States v. Marcus Taylor* (4th Cir. filed Apr. 18, 2025). That was in addition to the numerous responsibilities the undersigned must perform as his Office’s Appellate Chief. Today, for example, the undersigned spent the morning mooted a colleague who will be presenting an oral argument before the Fourth Circuit in No. 24-4114, *United States v. Brandon Jackson*. Further, the nationwide importance of the Court’s question requires the undersigned to consult with and receive sign-offs from multiple Department of Justice components, which takes time.

The undersigned does not request this short three-day extension for purposes of delay but to provide adequate time—in light of the circumstances—to brief the United States’s response and receive the necessary Department approvals.

WHEREFORE, the United States, with Mr. Costianes’s consent, respectfully requests that the Court grant this motion and extend our time to respond to its Order until the end of Thursday, April 24, 2025.

Respectfully submitted,

KELLY O. HAYES
United States Attorney

/s/ David C. Bornstein
Assistant United States Attorney
Chief, Appellate Division
United States Attorney’s Office

36 South Charles Street, 4th Floor
Baltimore, Maryland 21201
(410) 209-4800

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 21, 2025, I electronically filed the above motion in this case and thereby electronically served a copy of it on Mr. Elias Nick Costianes, Jr., through his counsel of record, who are ECF Filers.

/s/ David C. Bornstein
Assistant United States Attorney